

**REGULATORY ACTION PURSUANT TO
TITLE 1, SECTION 100 CALIFORNIA CODE OF REGULATIONS**

**PROPOSED MODIFICATION TO
PROPERTY TAX RULE 305, APPLICATION
STATEMENT OF EXPLANATION**

Specific Purpose

The proposed revisions and their specific purpose are as follows:

- In subpart (D) of subdivision (a)(1) deleting the word “and” at the end of the sentence and moving it to the end of the sentence of subpart (E) in order to conjoin subpart (F) to the preceding items.
- In paragraph (7) of subdivision (c) deleting the reference to Revenue and Taxation Code section 469 to reflect the statutory change broadening assessment appeal rights to all audited taxpayers.
- In paragraph (1) of subdivision (d) deleting the reference to the application filing period from July 2 to September 15 due to the statutory change extending the period in counties that do not send assessed value notices to all taxpayers. Adding the third and fourth sentences to paragraph (1) to prescribe the filing period for counties that send a notice of assessed value and a filing period for counties that do not send a notice. In the last sentence of paragraph (1) adding a necessary reference to the November 30 final filing date in counties with that filing period.
- In paragraph (2) of subdivision (d), deleting the reference to the commencement date of the period for filing an application as the date on which the assessee was notified of the assessment or the date of mailing of the tax bill and replacing it with the later of the date of mailing printed on the notice or the tax bill or the postmark date on either the notice or the tax bill. The change conforms the rule provisions to the statutory changes.
- In paragraph (3) of subdivision (d) changing the period for filing an application appealing a proposed reassessment for damage due to disaster or calamity from fourteen days to six months to conform to the statutory change.
- In subdivision (g) deleting the word “where” and replacing it with “when” to indicate the period of time after which assessment appeals records may be destroyed.

Factual Basis

Property Tax Rule 305 sets forth the various requirements for filing a valid timely assessment appeals application. Subdivision (a) prescribes the required items of an application, including a requirement for a written authorization for an agent and the contents thereof. The contents of the written authorization are lettered as items (A) through (F) and the placement of the word “and” makes clear that a valid authorization must include all of them.

Subdivision (c)(7) specifies that an application that appeals property subject to an escape assessment that results from an audit may appeal the original assessment of all property at the location of the trade, profession or business. Formerly, the right to appeal the original assessment was applicable only for mandatory audits of assessees owning business personal property and fixtures with a value of \$400,000 or greater. AB 645 (Stats. 2001, Ch. 238), in effect January 1, 2002, amended Revenue and Taxation Code section 469 to provide that an application appealing an escape assessment resulting from any audit has the right to appeal the original assessment.

Subdivision (d)(1) restates the application filing period prescribed by Revenue and Taxation Code section 1603 for regular assessments which has been from July 2 to September 15 in all counties. AB 645 (Stats. 2001, Ch. 238) amended section 1603 to provide that the last day for filing shall be November 30 in a county in which the notice under section 619 is not provided to assessees by August 1.

Subdivision (d)(2) restates the 60-day application filing period prescribed by Revenue and Taxation Code section 1605 for supplemental and escape assessments which had commenced on date the assessee was notified of the assessment. SB 1182 (Stats. 2001, Ch. 744) amended section 1605 to provide that the 60-day filing period commenced on the later of the date of mailing printed on the notice or the tax bill or the postmark date on either the notice or the tax bill.

Subdivision (d)(3) restates the filing period for an application appealing a proposed reassessment for damage due to disaster or calamity under Revenue and Taxation Code section 170. SB 1181 (Stats. 2001, Ch. 407) amended section 170 to change the filing period from 14 days to six months after the date of mailing of the notice of proposed reassessment.